MAGISTRATES THREW OUT MOST OF THE CASES.

McCullagh Deputies Failed to Accompany Prisoners to Court and Present Evidence-Magistrate Cornell Decided That When There Was No Warrant a Voter Had a Right to Swear in His Vote -McCullagh's Tiff With Col. Murphy.

Although the Magistrates, with remarkable unanimity, failed to hold scores of prisoners brought before them on complaint of illegal voting made by deputies of Superintendent of Elections John McCullagh, the activity of these deputies was responsible in a large measure for the cleanness of yesterday's election. Supt. McCullagh had out a force which was enough to daunt the most carefully organized gang of floaters that ever planned to cheat the franchise. In those districts where Tammany leaders are known for the skill with which they manage to swell the vote each year, there were enough deputies around to take all the backbone out of the heelers and their followers.

The veterans of the Metropolitan Elections Bureau were placed in those districts where there was reason to believe fraud would be attempted. They had lists of the suspicious characters in these districts and from long experience knew by sight those men whom it was well to watch. The result was that very little fraud was attempted, so far as could be ascertained up to the time the polls closed.

There is no doubt but that hundreds of the floaters in the districts controlled by those Tammany geniuses, Sullivan and Engel, were prepared to vote until they saw the preparations that had been made for them. Then they quit, for how-ever willing they might be to help elect the Squire's candidates by fair means or by foul, they were not so willing when the prospect of immediate detection and arrest stared them in the face.

The 500 or more arrests that were made during the day, either by or at the order of McCullagh deputies, were all made on little evidence, and the Magistrates absolutely refused, save in a very small percentage of the cases, to hold the prisoners. In 75 per cent. of the cases no complainant appeared against the prisoners, the policemen who arraigned them stating that they had done so at the order of deputies, who had given them no instructions beyond the one to take them to the nearest Police Magistrate's court and charge them with attempting to vote fraudulently.

Several of the Magistrates were indignant at this method of doing things, and criticised the deputies. Of the 4,000 warrants, which it had been said McCullagh had ready to serve on voters who had illegally registered before they votedl, very few turned up. Instead of warrants, the deputies seemed to have lists, but they ordered arrests just the same, and the police, acting under instructions from Commis Murphy, made the arrests without hesita-

It was this method that started trouble early in the day. When a deputy wanted a suspicious voter arrested, he caued on a policeman to arrest him. The officer would do so, taking the man to court before he had a chance to vote. Once in court, the ponceman would be unable to produce a particle of evidence against his prisoner, and as the deputies made it a rule not to go to court with the men whose arrests they had ordered there was nothing for the Magistrates to do but to release the men, which they

Supt. McCullagh was very indignant over this attitude on the part of the Magistrates. He rang a number of them up on the telephone to find out what was the matter. In every case he was told that if his deputies would go to the courts themselves and prothey ordered arrested, these men would held, but that nothing could be done in cases where they ordered the police to make arrests without warrants.

Shortly after this incident Supt. McCullagh began to get word over the telephone that the police were refusing to arrest men at the order of his deputies unless warrants were produced. The policemen warrants were produced. The policementook this stand after being "roasted" by the Magistrates for obeying the orders of the deputies. Supt. McCullagh went to Police Headquarters and lodged a complaint with Commissioner Murphy. He was very much excited and declared that the police were not giving him the help they had promised. Commissioner Murphy took the ground that it was ridiculous for police to arrest scores of men when Magistrates were discharging them fast as they were brought in. He dethe Magistrates were discharging them as fast as they were brought in. He declared that the police were doing their full duty and would make any arrests that McCullagh desired if the latter's deputies would go to the court and make out cases against the prison vs.

In the meantime Magistrate Cornell,

in the meantine Magistrate Cornell, sitting in the Centre street court, had taken a very firm stand in the matter of arrests by deputies without warrants. The Magistrate maintained that it was improper to arrest men without warrants before they had voted. He held that no citizen for whom there was no warrant should for whom there was no warrant should be deprived of his right to vote if he was willing to swear in his vote after being challenged. After he had voted, he held, challenged. After he had voted, he held, he could be arrested if complaint was made against him, but not before, unless there

gainst him, but not for him.
The Magistrate explained his decision.
The Magistrate explained his decision. The Magistrate explained his decision to all policemen who brought McCullagh cases before him, and warned them that they themselves were liable to arrest if they interfered with voters for whom they had no warrants. This was one reasest why downtown policemen refused to obey McCarlingh deputies. As econ as Commissioner Murphy heard of Magistrate Cornell's decision, he had a consultation with ex-Judge Edward Brown, who was stationed at Police Headquarters to advise the Controlled-one in any legal complication which might arise. The result of this consultation was the insuling of the following order by Marphy.

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Mariotrials formal locations court at the
First district court has find decided in folone Where there is no serviced a works
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a right to some it the works and then can

that Mcthilagh was very angry over this order, and be telephoned his test to timbe the arrests the improve. Surgeous of the markets of the police notated and Ther contributes a transfer of arrests by the thousand for phisons all of which were histories out of much by the Magantenton thoughts throw differences of opinion that

Lampate kings difficultations of operator the police and the desputies got on very well together, and their vigitation ancionidately till among the sound semiling of the francis Times were no some of any consequences. From time to time remove of higher had went in departure and dampe cause in the fragilist and their resources of higher had went the departure and dampe cause into fingle Modifications and dampe cause in executing the departure in the final final and the sound to be sufficient fragilisations.

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500 ELECTION DAY ARRESTS. | facts to Supt. McCullagh, the latter called | PRESIDENT CASTS HIS YOTE.

"You only saved a Magistrate the trouble of discharging him anyway."

Supt. McCullagh said last night that barring his tiff with the Magistrates and with Commissioner Murphy the day had been a very satisfactory one to him. He said that he was satisfied that he had scared away hundreds of fraudulent voters, and that the activity of his deputics at the polls had done much to prevent fraud.

Magistrate Meade held an all-day session in the Yorkville police court. The space within the rail was crowded with policemen, prisoners, lawyers, McCullagh deputies, politicians and bondsmen.

Deputy Attorney-General Charles P. Blaney was on hand to represent Supt. McCullagh. He had affidavits in over one hundred and fifty suspicious cases and arrests were made in fifty-seven of them. In the majority of the McCullagh cases the prisoners were arrested on an You only saved a Magistrate the trouble

them. In the majority of the McCullagh cases the prisoners were arrested on an order issued to the police by McCullagh through Police Headquarters or at the direction of McCullagh deputies at the polis. The complaints that Mr. Blaney had were made by McCullagh deputies, and under the circumstances it was impossible for him to have his witnesses present. When he asked for adjournments the lawyers made vigorous objections, saying that it was unconstitutional to hold a man and deprive him of his vote when no complainant appeared against him.

hold a man and deprive him of his vote when no complainant appeared against him.

A typical case was that of a man named Murray, who lives at the Olive Tree Inn at 342 East Twenty-third street. McCullagh presented the police with the names of eighty-six men from that house alone, with instructions to arrest them should they try to vote. Murray was the first to appear and he was taken to court. The officer had no complaint to make against him. Mr. Blaney said Murray was charged with illegal registration. He said the deputy who got the evidence against him was not in court and asked to have the case adjourned. The lawyers objected.

"If your complainants don't appear here to-day Mr. Blaney," said the Court, "they probably never will. They will vanish into thin air and leave you in the lurch as they did last year. The patriotism of these men ends when their pay stops."

The case, with a half a dozen others like it, was set aside until later in the day. After recess Lawyer Hennessey asked to have the cases called and disposed of.

"In every case here to-day," he said, "the Deputy Attorney-General has not been ready and we feel compelled, in justice to these men under arrest, to demand that their cases be disposed of.

"What you say is quite true," said the Magistrate, "and if I am to preside in a court on another election day, I shall see to it before hand that some different arrangement is made. The irregularity of these proceedings would astonish a lawyer in the backwoods of Texas."

The prisoners were than arraigned and discharged.

William Scott, an inmate of Sailors' Snug Harbor, registered from 175 East Seventy-fourth street and was arrested for illegal registration when he attempted to vote. He neglected to file a statement that he had a city residence when he registered. He was held for trial.

A. Anderson Steidesburg of 238 East Thirty-third street, who registered as A. Anderson because through an error his naturalization papers were so made out, was arrested and held for trial for illegal registration.

M

was arrested and need for the leading registration.
Michael J. Tevine of 72 Seventh street, who registered under an assumed name, was held for trial.
When Max Berkowitz of 341 Sixth avenue, the Republican captain of the Tenth election district of the Twenty-first Assembly third to with he was arrested on the tion district of the Twenty-first Assembly district, tried to vote he was arrested on the complaint of Henry Manheimer; the Tammany candidate, who charged him with false registration. In court Berkowitz proved he had properly registered and was discharged. Later on Manheimer and William Fisseler, of 107 First avenue, were arrested near the polling place on the complaint of Berkowitz, who charged them with bribery. Berkowitz and another witness swore in court that they had seen Manheimer give money to Fisseler and then take him into the polling place to vote. The prisoners were discharged for lack of corroboration.

Altogether there were fifty-seven cases. Seven of the prisoners were held for trial, and ten for examination. The rest were discharged.

discharged.
Out of the 111 prisoners charged with violation of the Election law in the Jefferson Market court only fourteen were held for further examination and none for d. But a number of those discharged re warned by Magistrate Olmsted that if they tried once more to vote they

if they tried once more to vote they would in all likelihood be arrested again and held. Only four of the 111 prisoners were arrested on warrants sworn out prior to election day, although several hundred such warrants had been issued.

Among the prisoners brought in were John Maher, who was three times elected Assemblyman on the Tammany ticket and who now is a McCullagh deputy, and Henry J. Hall, a Tammany captain in the Thirteenth election district of the Seventh Assembly district. Maher was assigned to the polling places of that district. The row between the two menarese over a voter with a lame arm who could not mark his ballot without help. arose over a voter with a lame arm who could not mark his ballot without help Maher ordered Policeman Allingham to arrest Hall on the charge of electioneering with 100 feet of the polling place. Hall made a counter-charge against Maher of intimidating voters. The policeman brought both men into court. Magistrate Commeted paroled Maher and placed Hall under ball for further examination.

Magistrate Cornell in the Centre street police court based upon the

police court passed upon the cases of 110 men who were arraigned be-ore him for alleged violations of the Election law. Of these 105 were dischafged Daniel Kelly of 112 Bowery, William H Wiley of 128 Park row and Frank Sander. son of 262 Bowery, were released on ball for trial. Andrew J. Dolan of 10 South street and James Fitzpatrick of 9 Bowery

were remarded for examination.

Only four of some sixty prisoners arraigned in the West Side police-court charged with violating the Electica laws, were held for further examination. The others were discharged. The four held were William E. Smith, of \$50 Eighth. held were William E. Smith, of \$50 Eighth avenue, charged with aiding and abetting illegal registration, John J. Buradale, 145 West Eightly-fourth street, where it is alleged, he did not live. Thomas F. Forney, voling from 254 West Twenty-eighth street, where he did not live, and Waller C. Dow, voting from 357 Eighth avenue, where it is alleged, he did not live.

In the Lever Market police court rester-

The activity of Supt Motalings fright oned the representary and the electron on the East Side functed off systetly. Those who were hold for examination charged with

Action Continues of \$60 the testing between the transfer of their Figure States and the testing for the figure States as were taken to the States States and the testing throughout the States and the testing terminal and the testing terminal and the testing terminal and the testing testing the testing testing to the testing testing the testing testing to the testing te double Acceptance of 1900. Myrely acceptance in the first American of 1900 in the second of the first acceptance of the first in prison for head party. First electron of this acceptance is not regardened at this prison by acceptance in the first his prison by the first har prison by the first har prison by the first har prison of the first prison of the first prison of the first har prison of the first prison of the first

WARMLY GREETED BY HIS NEIGHBORS AT OYSTER BAY.

His Home-Coming Entirely Overshadowed Election Excitement in the Quiet Long Island Town-Mr. Roosevelt, Too, Seemed Happy to Meet Old Friends

President Roosevelt, who arrived from Washington on Monday evening, went down to Oyster Bay yesterday morning and voted. After spending an hour there, divided between the polling place and his home on Sagamore Hill, he returned to this city and in the afternoon took the 3:25 clock train for Washington.

The President, who spent the night at the home of his aunt, Mrs. James A. Roosevelt, at 4 West Fifty-seventh street, was up bright and early for the trip to Oyster Bay, and with Secretary Cortelyou, Assistant Secretary Loeb and Harry Pickney, his colored steward, all of whom are voters on Long Island, left the house at 8:15 for Long Island City. Mr. Roosevelt was also accompanied by his cousin, William E. Roosevelt. The party went to the Thirtyfourth street ferry in a carriage, preceded by a hansom full of Secret Service men and followed by another in which were Central Office Detectives Funston and Woolridge. There was also a Secret Service man with the driver of the carriage in which the

At the ferry the party left the carriages and walked on board the ferryboat, which had only a few other passengers. Drawn up on the boat were four policemen of the harbor squad, detailed as a guard. The President returned their salute as he walked aboard the boat, and then noticing one of them, a smile of pleasure crossed his face, and walking up to him held out his hand. "Hello, Thompson," he said, "I appointed you, didn't I?"

"Yes, you did, Mr. President," said Thompson, "and I'm mighty proud of it." "He also fined me five days' pay once,"

said Thompson, after the President had passed, "but I'm kind of tickled at that, too." At Long Island City a special train of two cars was in waiting to take the party to Oyster Bay. The train hands at the station all took off their hats to the President who shook hands with several of them. On the way down a stop was made at Mineola. Secretary Cortelyou got off to catch a train for Hempstead where he voted. In spite of this stop the trip down on the special was made in forty-seven minutes and it was just 9:47 when it pulled into the

station at Oyster Bay. There were in the neighborhood of a hundred of the President's fellow townsmen on the platform eager to welcome him, and there ensued a demonstration that made the Secret Service men who had followed him from Washington with the memory of the tragedy at Buffalo in their

minds look a little anxious for a minute. The first to shake his hand was Amos Knapp, who was his messenger while he was Governor, and from him the President passed along shaking every one by the hand and calling many old farmers by their names, to their evident pleasure. Jerome B. Johnson, the candidate for Sheriff on the Republican ticket, was on hand and when the President spied him he rushed over and shaking him by the hand said: ' "Hello, Sheriff, I want you to ride up

with me. than at the station, for there were few in upstairs to the hall Alphonse Montant,

he said to Mr. Roosevelt laughing as both

"Why, of course," said Mr. Roosevelt aughing in turn. "That is, if he votes right. There was a laugh all around at this None of the rules regarding people crowd ing into polling places went in Oyster Bay vesterday and the place was filled with farmers and tradespeople who wanted to see the President cast his ballot. As Mr. Roosevelt passed within the railing one of the poll clerks said in a loud voice:

"Theodore Roosevelt-ballot 125." the inspectors and clerks ranged themselves in line and the President, after receiving his ballot, went down this line, shaking hands and calling each man by name. Then he entered the first booth. It took the President just a minute and a haif to prepare his ballot, and when he walked out his name was called again and he watched the ballot deposited. was just 10 o'clock. Then he went into the other part of the room and shook hands with a lot more of his fellow-townsmen. The-ticket voted for was the regular county one and did not include any town officers. was the general belief that the President had voted the straight Republican ticket, but no remark dropped from him

gave a hint as to that The Socret Service men, all but one remained outside while this was going and the President almost got away them in consequence He had made up his mind to go up to his place and look it over with his cousin and Mr Gracie, and the party got into the carriage and were the pian. As the Franklent started some the crued said

* Now boys, three cheers for our neighbor. the President" and they were given with the President's up the read. The first to grant little at his house on Sugarnore Hillman his story which jumped all siver him mini sum bomide the cognings up the some Tim Pambious speed about thirty sometim folk and it disappeared account the Mill Back curve, the Freshdard scenarious on

temperate desire W Ecologisted the Delivery and the control of the fact he got out and speciagised to Mr Correspond for going head with were head for examination; each in \$1,000 ball.

Elected



5 cent Cigarette

Special Size English Blend

cents for

The President then jumped into his own buckboard, and was driven with Mr. John-side was reached. Mrs. Belmont remained son and James K. Gracie, a neighbor, to in her carriage. As the carriage left the the polling place in Fisher's Hall, Main | boat the detectives and a squad of unistreet. There was a larger crowd here formed policemen with two uniformed inspectors formed a close cordon around it. Oyster Bay who didn't want to see the The party was taken up in a freight ele-President vote and there ensued another vator, landing near the rear platform of the handshaking, which the Secret Service private car Lucania, which was hitched men did not prevent. Two negroes in to the end of the regular 3.45 train for the crowd, whom the President knew, he Washington. As the train pulled out the acknowledged the cheers of the crowd of a neighbor of his and a Gold Democrat, passengers and trainmen by removing his black slouch hat and waving it back at them

PRESIDENT ROOSEVELT HAPPY

The Result of the Election to This City Gives Him Great Satisfaction.

did, and nobody was happier over the result. He arrived from New York shortly before riage at the Pennsylvania station to be New York. When he heard that Croker at half past 8 conceded the election of Low Mr. Roosevelt expressed his great satis-

received over the White House telegraph wires until a late hour and were delivered the President in the private part of the house. He expressed interest in the news of Jerome and was satisfied before 10 o'clock that the fusion ticket as a whole had won

neident. No callers were received at the White House during the evening. The attend the wedding of Miss Patter and

until the train was well out of the station.

WASHINGTON, Nov. 5 - Nobody in Wash-

viarge majorities. The journey from New York was without



To California Through Colorado

and inexpensive way of going to the Parific Load is to join one of our Foxgonulis Conducted pasties schools deave Obleago and to Louis overy mock for Lor Angeles were the route Inner. Littie magnificent Lolorado mountain acenary in passed by daylight.

car lartie, fittale: Blustrated become about California mayor time taking, etc., and can purhaps by of service in other ways. Write for particulars.

\$79 Smalles, Res 14th.

BETTOR FORBIDDEN TO YOTE.

ROGERS HAD WAGERED 2 BOXES OF CIGARS ON SHEPARD.

Justice Glegerich Held That He Had No Right to Cast a Ballot-Light Work for the Supreme Court Yesterday

The machinery for handling disputed

election cases in the Supreme Court yesterday was not taxed, but several interesting questions were presented. The work seemed rather lighter than in former years, but there were more lawyers on hand to attend to the business. Justices Giegerich, Fitzgerald, Bischoff and Lawrence were at the County Court House through the day and Justices Van Brunt and McAdam were stationed at their houses to issue alternative writs of mandamus requiring the acthe Supreme Court why they should not be accepted. The Citizens' Union 930 o'clock, and before he entered his car- for the first time had a committee of lawyers there yesterday. They were Henry De Forrest Baldwin and John W. Crawford. Republican lawyers present were Mortimer C. Addoms, Capt. W. C. Reddy and Robert M. Gignoux. Tammany was represented by Terence Farley, George Landon and L. F. Doyle.

The rare case of a man having the right to vote denied by the Supreme Court be-cause he had bet on the election was wit-nessed yesterday. The clerks have no recollection of a similar case in this depart-ment. Alexander Rogers of 308 West. Twenty-sixth atreet had bet two boxes of cigars on the election of Shepard for Mayor and when he went to vote in the Sixteenth election district of the Ninth Assembly district, some one who beard of the bet challenged the vote and the inspeche but challenged the vote and the inspec the bet challenged the vote and the impre-tors refused to accept it. The Tammany lawyers had him brought strightway down to the Supreme Court on an alternative writ of mandamus. The man had ad-mitted to the inspectors that he had made the bet, but the legal form the case took in the Supreme Court was that it was an

their Loude cataship discounted Montal and part black Loude cataship discounted Montal and part plants that he may be not proved by Lar. I appropriately before and to dissince that are supported from the Loude manufacture of the Loude moter has been some and the discounted of other plants where the loude moter had the discounted of other plants and the discounted that they must dispute their states and the discounted on the plants of the discounted of the discoun they mean displayed videan, died the diselect intelligent intelligent to trade.

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to register him by order of Justice Pitz-gerald.
William McDuffy of 477 Sixth avenue

william McDuffy of 477 Sixth avenue was told at the Seventh election district of the Twenty-eighth Assembly district that his name was not registered. The name of William F. Duffee appeared in the books as hailing from that house, and as there was no Duffee there Justice Giegerich ordered him voted.

Thomas J Geoghegan, who had registered in the Seventsenth election district of the Second Assembly district, was informed he was not in the voting list. No name of anything like his own in phonetic effects could be found registered, which he desired to claim, so he applied in the Supreme Court for a writ. His name was correctly stated on the books of Supt. McCullagh. The Court held that he should have had the registry books corrected before election and dismissed his application.

The biggest bonfire in New York city vesterday was in Franklin Square The oys in Cherry street had stoich from a lumber yard about thirty sticks of heavy timber ten feet long and ten innhes thick and harred staves until a sufficient biases one produced to ignite the heavy logs. When the fire was bineing gloriously five laser logs, also stolen, were thrown into patient to unit for nightful, so they started intinut to Fair for nightful, so they started their election pyre at it o'clock in the morn-

*Finetion day is our farvest time, noid as the rest in the point of the second section of the second A course from any of the course generalized value with a process of the course of the course translated value with the process of the front process of the first point of the front process of the first point of the first process of the first

DEAF MUTE IN POLITICS.

A Story Told in Big Tom Poley's Second A story concerning a deaf mute and a Republican worker was being told in Big Tom Foley's Second Assembly district yesterday. The deaf mute went to the Repub-

lican worker and wrote on a piece of paper "Tammany wants me to vote for them. What shall I do?"
The Republican worker replied
"Get as much money as you can."
The deaf mute went away. In it is hour he came back, and this time

"I have got \$3. What shall I do now?"

Vote the Republican ticket."

This was the deaf mute's answer:

I will."

ALL EXPECTED VICTORY

There Was Confidence at the Various Fusion Bleadquarters All Day Long. President Robert C. Morris of the Repul lican County Committee spent the day in the committee rooms at I Madican avenue with former Justice William S. Secretary George Manchester and others All were nauguine of auccess and when the polis closed they said that the reports they had received during the day indicated a good amjurity for the fusion licket in this county.

At fusion handquarters, 41 East Twenty third street and at Chicago, Links head

Attutura, Mr., Nov & Amegic 1/ Matter Riegisaldisma assessions of the November &c. surface Committee, to-night long-raphe-

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